

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal Number 1:05cr311
	)	
DANIEL JOSE GUARDIA LOPEZ	)	<del>UNDER SEAL</del>
a/k/a	)	
JOSE DANIEL GUARDIA,	)	
	)	
Defendant.	)	

STATEMENT OF FACTS

The United States and the defendant, Daniel Jose Guardia Lopez a/k/a Jose Daniel Guardia (“Guardia”), agree that had this matter proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt.

The Defendant

1. The defendant, Guardia, is a citizen of Bolivia who entered the United States in 1997 on a tourist visa. Guardia’s visa has since expired, and he is currently in the United States illegally.

The Virginia Department of Motor Vehicles

2. The Virginia DMV is an agency of the Commonwealth of Virginia charged with the registration and regulation of motor vehicles within the Commonwealth. In carrying out its responsibilities, the DMV maintains offices in cities and counties throughout the state to serve the general public. These offices, known as customer service centers, are open from Monday through Saturday and are staffed by DMV employees.

3. One of the Virginia DMV’s primary responsibilities is the provision of Virginia driver’s licenses, learner’s permits, and identification cards to qualified Virginia residents. This

responsibility is largely carried by DMV clerks in customer service centers by means of a written application. The process depends heavily on the use of the Virginia DMV computer database, and every application is entered into and recorded by the database. Only authorized DMV employees may access the database, and each time the employee enters the system he or she must enter a unique user name and password. All DMV employees who use the database are trained and required to use their user names and passwords in a secure and confidential manner.

4. In order to apply for an original Virginia driver's license, an applicant must go to a Virginia DMV office, submit a driver's license application (formally known as a DL-1M) to a DMV clerk, and pay the DMV a fee. Before the clerk may issue the applicant a license, the clerk must review the application to confirm the applicant's eligibility and note the reason for the application—that is, whether the application is for an original license, a renewal, a duplicate license, or a re-issuance. If the applicant seeks an original Virginia driver's license on the ground that he or she possesses valid driving privileges in another state, the applicant must surrender his or her out-of-state license to the clerk. If the applicant seeks a duplicate or reissued license, the clerk must note the reason for the duplication or re-issuance on the application.

5. An applicant for an original license who surrenders a valid license from another state may use the surrendered license as proof of identification and does not have to take the written driver's examination or participate in a road test. If an applicant for an original license does not have a valid license from another state to surrender, the DMV requires the applicant to present two forms of identification and take the written examination and the road test. The clerk who handles an application based on a surrendered license is required to note both the name of the issuing state and the license number on the DL-1M and in the DMV computer database.

6. If the clerk handling a given application approves it, the clerk must stamp the application. This stamp records the identity of the clerk, the location of the DMV office, and the receipt of the relevant fee. Once this clerk approves and stamps the application, another clerk photographs the applicant and issues him or her a license. The applicant's photograph, an electronic version of the applicant's signature, and other relevant pieces of information, including the approving clerk's identity, are entered into the DMV computer system creating a permanent record of the application, the applicant, and the issued license.

#### Summary of the Conspiracy

7. From in or about September 2003 through on or about March 16, 2005, Guardia participated in a conspiracy with at least two people, including one current DMV employee, to sell genuine Virginia driver's licenses to applicants without proper documentation in return for fees of between \$2,000 and \$3,500. As a general rule, the applicants to whom Guardia and his co-conspirators sold the licenses were immigrants unlawfully in the United States or were otherwise not qualified to obtain a valid Virginia driver's license.

8. The business of the conspiracy was conducted primarily through the customer service center at the Springfield Mall in Springfield, Virginia. This DMV office was the center of the conspiracy because one of the co-conspirators was an employee there. The basic structure of the conspiracy was as follows. The defendant served as a recruiter. It was his responsibility to find clients, to collect client fees, and to instruct clients when to go to the Springfield DMV office to receive their licenses. The DMV employee was responsible for producing the driver's licenses for the clients from within the DMV. The third conspirator (the DMV employee's wife and hereinafter "the facilitator"), served as the link between the DMV employee and the defendant.

9. Over the life of the conspiracy, the conspirators did in fact commit identification

document fraud. In particular, the defendant knowingly assisted immigrants to obtain between twenty-five and ninety-nine Virginia driver's licenses by fraud. None of these immigrants was eligible for a Virginia driver's license, either because the immigrant lacked a social security account number or was otherwise ineligible. In return for the license produced, the conspirators charged each immigrant a fee of between \$2,000 and \$3,500.

#### The Defendant's Knowledge of and Participation in the Conspiracy

10. In or about July 2001, Guardia was introduced to the facilitator. At that time, the facilitator and her husband were already selling genuine Virginia driver's licenses to applicants without proper documentation in return for fees of at least \$2000. Guardia fraudulently obtained through the facilitator three genuine Virginia driver's licenses that bore his picture but were in the names of aliases: "Ernesto Peredos," "Ernesto Guardia Lopez" and "Jaime Crespo Cabrera." Guardia knew that the three driver's licenses were obtained by fraud.

11. Beginning in or about September 2003, Guardia began introducing other immigrants who wanted to buy driver's licenses to the facilitator. Sometimes the defendant acted as a go-between for the facilitator, and he would find clients, collect fees and tell clients when to go to the DMV office to pick up their fraudulently produced Virginia driver's licenses. In such cases, the defendant received between \$250 to \$500 for each transaction. Other times, the defendant merely put the client directly in contact with the facilitator, and the defendant did not further participate in the transaction or receive any payment for the transaction.

#### Example of Fraud Committed by the Defendant

12. On March 11, 2005, an undercover officer ("UC") approached the defendant in Falls Church, Virginia. The UC told the defendant that he was an immigrant present in the United

States illegally and needed the defendant's assistance to obtain a driver's license. The defendant indicated that he had a connection within DMV and agreed to help the UC. The defendant informed the UC that the cost for the license would be \$3,500, which the UC then paid the defendant in cash. The defendant told the UC that he needed the UC to provide him with the name, date of birth, and address the UC wanted the license to bear. The UC provided the defendant with the name "Mario Guerrero Lopez"(an alias); a date of birth of February 12, 1967; and the address of 1249 Virginia Avenue, Herndon, Virginia. The defendant then told the UC that the UC would have to go the Springfield DMV office the following Monday or Tuesday (March 14 and 15) to have his picture taken and to receive the license.

13. On March 15, 2005, the defendant informed the UC through an intermediary that the UC should go to the Springfield DMV office at approximately 11 a.m. the following day to receive his license. On March 16, 2005, the UC went into the lobby of the Springfield DMV office and sat down.

14. At no time from March 11-16, did the UC complete, sign or submit a DL-1M application for a driver's license.

15. On March 16, 2005, the defendant instructed the UC to go to the Springfield DMV office to pick up the driver's license. The defendant told the UC to sit near the camera station until his name was called for his picture to be taken and his license issued. The defendant told the UC that the information for the driver's license had already been entered into the DMV system by a DMV employee.

16. DMV Investigators queried the DMV computer system and determined that the identity of Mario Guerrero Lopez had been entered in the DMV computer system on March 15,

2005, and that the system showed that Mario Guerrero Lopez had been issued a driver's license on that date. Oddly, however, there was no record of a picture having been taken of a Mario Guerrero Lopez for this license.

17. At approximately 11:00 am on March 16, 2005, the UC entered the Springfield DMV office, bypassed the teller lines and simply took a seat near the camera station. During this time, DMV Investigators were monitoring the DMV computer system. As they were monitoring, a DMV employee logged into the DMV computer system and issued a duplicate license to Mario Guerrero Lopez with the notation that the original license had been lost and that documentation had been presented to support the reissue.

18. Although the UC did not complete an application or provide any documentation to The defendant or anyone at the DMV, the DMV camera operator at the Springfield DMV office called the UC forward to the camera station and took the UC's picture. The DMV camera operator then called Mario Guerrero Lopez to pick up the license, and the UC retrieved the genuine Virginia driver's license. The license bore the name "Mario Guerrero Lopez"; a date of birth of February 12, 1967; and an address of 1249 Virginia Avenue, Herndon, Virginia, even though the UC had not given that information to anyone at the DMV.

#### Defendant's Acknowledgments

19. For purposes of this plea agreement, the defendant acknowledges and concedes the following:

- a. that he knowingly worked with co-conspirators to obtain Virginia driver's licenses for the conspiracy's clients by fraud;
- b. that he knew that co-conspirators were producing licenses for the conspiracy's

- clients by fraud;
- c. that he knew the clients were not eligible to receive Virginia driver's licenses and that the clients were paying him and his co-conspirators fees to obtain the licenses unlawfully;
  - d. that his efforts and those of his co-conspirators were designed to defraud the DMV by causing the DMV to issue genuine driver's licenses to individuals not otherwise entitled to them; and
  - e. that the primary purpose of this offense was to make money by providing fraudulent identification documents to immigrants who wished to remain and live in the United States in violation of the immigration laws.

#### Effect on Interstate Commerce

20. The issuance of driver's licenses in this case is in and affects interstate commerce for several reasons. As a general matter, driver's licenses are used to effect the motorized transport of people and goods throughout the United States. Because the country has no national identification card, driver's licenses are also the primary means of personal identification in the United States. As a result, driver's licenses are used to facilitate the commerce of every day life, for example, to open bank accounts, to board airlines, to buy alcohol and cigarettes, and to fill out government forms. In addition, the case involved the purported surrender of valid driver's licenses from numerous states within the Union in an intentional effort to exploit interstate agreements designed to foster the efficient transfer of driving privileges between Virginia and other states. Finally, the printing machines, plastic cards, and laminates the DMV uses to produce Virginia driver's licenses, learner's permits, and identification cards are supplied to the

DMV under contract by Digimarc ID Systems, L.L.C., of Burlington, Massachusetts. All of the printing machines, plastic cards, and laminates Digimarc provides to DMV are made in other states and shipped to the DMV in Virginia from Digimarc's warehouse in Fort Wayne, Indiana. The printing machines, for example, are made in Japan; the plastic cards in Massachusetts; and the laminates in Pennsylvania.

### Conclusion

21. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the government. It does not include each and every fact known to the defendant or the government, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

22. The actions of the defendant as recounted above were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

PAUL J. MCNULTY  
UNITED STATES ATTORNEY

By: \_\_\_\_\_  
John T. Morton  
Stephanie L. Bibighaus  
Assistant United States Attorneys



Defendant's Stipulation and Signature

After consulting with my attorney and pursuant to the plea agreement I entered into this day with the United States, I hereby stipulate that the above statement of facts is true and accurate. I further stipulate that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: \_\_\_\_\_  
Defendant

Defense Counsel's Signature

I am Jose Daniel Guardia's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: \_\_\_\_\_  
Paul Murphy  
Counsel to the Defendant